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KEVIN G. MIERZWA
ARTZ & ARTZ, P.C.
28333 TELEGRAPH ROAD, SUITE 250
SOUTHFIELD, MI 48034

EXAMINER

ART UNIT PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/927,281

Applicant(s)

GOLOVASHCHENKO ET AL.

Examiner

Kenneth E Peterson

Art Unit

3724

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 03 January 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

Applicant has argued claims as a group, but has not placed these grouped claims under their own subheading as per 37 CFR(c)(1)(vii)(last five lines). For example, in the arguments section, under "ground 1 rejection", for claims 3,4,12 and 13, Applicant has merely pointed out what the claims recites. This does not constitute an argument as per 37 CFR(c)(1)(vii)(last three lines), and therefore claims 3,4,12 and 13 should not have their own subheading, but instead should be grouped together with claim 1 with a subheading that reads "claims 1,3,4,12 and 13". If Applicant does not want to have some of these claims considered as a group, then Applicant should keep them under their own subheadings and flesh out some unique arguments (why they are separately patentable). See Applicant's own claim 2 for an example of a unique argument. The arguments for the other grounds of rejection also have the same problem.

Compliance with the above is important, because currently it is not clear which claims need to be considered or argued by the Examiner or the Board. Examiner regrets not having caught this problem in time for the paper mailed 29 november 04, so the response period is accordingly reset as above.

Continuation Sheet (Patents and Trademark-462)

Application No 08/112,233

KENNETH E. PETERSON
PRIMARY EXAMINER